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**Noise Compatible Planning Document**  
**Progress Report**  
**Tasks 2 and 3**  
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**Task 2:** Review pertinent Montana land use statutes and regulating authority. Review applicable model regulations.

**Results:**

Headwaters reviewed Montana statutes governing land use planning and regulation (growth policies, zoning, subdivision review), as well as building codes, and land acquisition. Relevant case law was also reviewed.

Model subdivision regulations developed jointly by representatives of a diverse group of Montana organizations interested in land use were also reviewed.

Montana local governments do have a variety of tools to address the impacts of highway noise through growth policies, zoning regulations, and subdivision regulations. However, Montana local governments are limited in their ability to use building codes to address highway noise (by requiring super insulation next to highways, etc.). The state building code does not address exterior noise from traffic and local governments may not adopt or enforce building codes that have not been adopted by the state.

**Task 3:** Research what selected Montana local governments are doing to address noise (e.g., for possible inclusion as sidebar case studies, pull-quotes, etc.). Research how noise-related elements would most appropriately be incorporated into typical Montana local regulations.

**Results:** Headwaters interviewed planners from the following jurisdictions: Belgrade, Billings/Yellowstone County, Bozeman, Great Falls, Helena, Kalispell and Whitefish.

Headwaters intends to continue to pursue contacts with Gallatin County, Missoula (City and County), and Ravalli County.

Some key points that have emerged from these conversations are:

- With the exception of Kalispell, the planners believed that highway noise in general is not an issue in their jurisdictions. In Kalispell, the issue was described

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as “huge.” Even in Kalispell, highway noise is part of a larger package of concerns relating to the highway and improvements.

- In general, the planners have indicated that a good option for addressing highway noise is through recommendations or requirements for mitigation imposed through subdivision review on a case-by case basis. Some planners have successful examples.
- In light of the above, the most useful information that the Montana Department of Transportation could provide to local governments is a menu of noise mitigation measures, along with their pros and cons. Mary will follow up with Cora to understand better the information that is already available that might be feasible to reference or provide in the noise compatible planning document.
- Concerns were expressed about some of the concepts included in the South Dakota handbook. Different communities have different concerns. For example, some planners thought noise barriers would work best in their communities, others did not think noise barriers were desirable. The most commonly expressed concerns related to requiring noise compatible uses next to the highway and the lot size requirements recommended for the subdivision regulations. (The recommended lot depth conflicted with the model subdivision regulations referenced above.) In a nutshell, several planners indicated that their communities do not want a commercial strip along the highway and they want to encourage development that is higher density than recommended by South Dakota in urban areas.
- In light of the above and the various ideas we have collected, we believe that the document will be most useful if it emphasizes a menu of options more than sample regulations. However, as noted above, sample language specifically relating to noise levels and noise mitigation techniques will be useful.